

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP E. DeBLASIO,

Plaintiff, : No. 18-CV-9360 (AT) (OTW)

-against-

ORDER

POLICE OFFICER NIEVES, et al.,

Defendants.

X

ONA T. WANG, United States Magistrate Judge:

The Court is in receipt of the Defendants' letter motion for an extension of time to complete discovery because Defendants seek to complete Plaintiff's deposition. (ECF 60). Plaintiff was deposed on October 16, 2020, and the parties were in the deposition room for over five hours, but Plaintiff's total deposition time was only 2 hours and 48 minutes. (ECF 60 at 2). Pursuant to Fed. R. Civ. P. 30(d)(1), Defendants are entitled to an additional 4 hours and 12 minutes of deposition time.

Defendants state that they could not complete the deposition on October 16, 2020 for the following reasons: (1) space and time constraints at Plaintiff's correctional facility, (2) Plaintiff's conduct; and (3) a thirty-minute conference call with the undersigned regarding Plaintiff's conduct, which Defendants asserted was "inappropriate, offensive[,] and disruptive." (ECF 60, 60-1). Defendants now seek: (1) a 45-day extension to the discovery schedule for the sole purpose of completing plaintiff's deposition, and (2) an Order from the Court directing Plaintiff from refraining from disruptive and offensive behavior at the continued deposition.

Defendants are directed to submit via letter filed on ECF by **November 17, 2020** summarizing the remaining factual issues they intend to cover with Plaintiff if the Court were to order Plaintiff's continued deposition. The letter should indicate with specificity (1) why those issues are relevant to the claims and/or defenses in this action; and (2) why written deposition questions, supplemental interrogatories, and/or requests for admission would not be sufficient.

The Clerk of Court is respectfully directed to mail a copy of this Order on the *pro se* Plaintiff.

SO ORDERED.

Dated: November 4, 2020
New York, New York

s/ Ona T. Wang

Ona T. Wang
United States Magistrate Judge